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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

U.S. DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
COURT FILED
MAY 16 2001
CLERK, U.S. DISTRICT COURT
By Deputy

KEITH B. BURKINS, # 1013686,

Plaintiff,

v.

ROGER A. RUDLOFF, et al.,

Defendants.

Civil Action No. 3:00-CV-2377-M



**ORDER ACCEPTING FINDINGS, CONCLUSIONS AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE**

On April 20, 2001, United States Magistrate Judge Jeff Kaplan made Findings, Conclusions and a Recommendation. Defendants filed no objections. The Court thus reviews the Findings, Conclusions and Recommendation for plain error. Finding no plain error, the Court accepts the Findings, Conclusions and Recommendation of the United States Magistrate Judge.

IT IS, THEREFORE, ORDERED that the Findings, Conclusions and Recommendation of the United States Magistrate Judge are ACCEPTED, that Defendant Terrell Bolton is DISMISSED as a defendant in this case, and that Plaintiff's claims are DISMISSED with prejudice as frivolous pursuant to 28 U.S.C. § 1915A(b)(1) and 28 U.S.C. § 1915(e)(2)(B)(i), EXCEPT for his excessive force claim against Defendant Roger A. Rudloff.

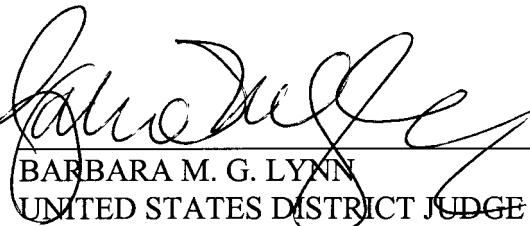
IT IS FURTHER ORDERED that the clerk shall prepare and issue SUMMONS for Defendant Roger A. Rudloff, Dallas Police Department, 2014 Main Street, Dallas, Texas, 75201, and deliver the summons along with a copy of the complaint, the recommendation of the Magistrate

21

Judge, and Plaintiff's answers to the questionnaire to the United States Marshal's Office. The United States Marshal shall serve the summons and pleadings and file a return of service in the case.

The Clerk will mail a copy of this Order to Plaintiff.

SIGNED this 16 day of May, 2001.



BARBARA M. G. LYNN
UNITED STATES DISTRICT JUDGE